

The City Council of the City of Mattoon held a regular meeting in the Council Chambers at City Hall on March 1, 2005 at 7:02 p.m.

Mayor Carter presiding.

The following members of the Council answered roll call: YEA Commissioner Mark Donnell, YEA Commissioner Harold Gambill, YEA Commissioner Jerrold Hesse, YEA Commissioner David Schilling, YEA Mayor David E. Carter.

Also in attendance were City Administrator Richard Underkofler, City Attorney/Treasurer J. Preston Owen, Public Works Director David Wortman, Police Chief Larry Metzelaars, Police Deputy Chief David Griffith, Fire Chief Bruce Grafton, Fire Deputy Chief Tim Bragg, Parks/Lakes/Cemetery Superintendent Kurt Stretch, Utilities Superintendent Chris Hartbank, Streets Superintendent Mike Dow, Community Coordinator Kyle Gill, Tourism Director Beth Hettinger, and City Clerk Susan O’Brien.

Mayor Carter seconded by Commissioner Schilling moved to approve the minutes of the regular meeting February 15, 2005.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Schilling seconded by Commissioner Gambill moved to approve the Department Report of the Police Department for the month of January, 2005.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Schilling seconded by Commissioner Gambill moved to approve the bills & payroll for the last half of February, 2005.

Bills and Payroll for the last half of February 2005			
<u>General Fund</u>			
Payroll		\$	206,303.88
Bills		\$	<u>46,679.41</u>
	Total	\$	252,983.29
<u>Hotel Tax Fund</u>			
Payroll		\$	1,359.23
Bills		\$	<u>2,432.66</u>
	Total	\$	3,791.89
<u>Festival Management Fund</u>			
Bills		\$	<u>1,000.00</u>
	Total	\$	1,000.00
<u>Insurance & Tort Judgment</u>			
Bills		\$	<u>6,250.00</u>
	Total	\$	6,250.00
<u>Midtown TIF</u>			
Bills		\$	<u>510.00</u>
		\$	510.00
	Total		
<u>Water Fund</u>			
Payroll		\$	29,830.69
Bills		\$	<u>55,659.21</u>
	Total	\$	85,489.90
<u>Sewer Fund</u>			
Payroll		\$	36,265.64
Bills		\$	<u>22,047.95</u>

	Total	\$ 58,313.59
<u>Cemetery Fund</u>		
Payroll		\$ 2,394.11
Bills		<u>\$ 292.08</u>
	Total	\$ 2,686.19
<u>Motel Fuel Tax Fund</u>		
Bills		<u>\$ 998.77</u>
	Total	\$ 998.77
<u>Health Insurance Fund</u>		
Bills		<u>\$ 35,574.18</u>
	Total	\$ 35,574.18

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Schilling seconded by Commissioner Donnell moved to adopt Special Ordinance 2005-1067, authorizing a special use permit for construction and operation of a church on Lot 1, Block 23, in Grant Park Place Subdivision a/k/a 201 Moultrie Avenue. (Stephen and Patricia Sanders, Applicants)

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2005-1067

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW THE CONSTRUCTION AND OPERATION OF A CHURCH AT 201 MOULTRIE AVE.

WHEREAS there has been filed a written Petition by Stephen and Patricia Sanders for a special use, respecting the property legally described as:

Lot One (1) in Block Twenty-One (21) of Grant Park Place, now the City of Mattoon, Coles County, Illinois, commonly known as 201 Moultrie Ave., Mattoon, Illinois.

WHEREAS, said petition requests that a special use be granted pursuant to applicable ordinances of the municipality to allow the construction and operation of a church; and

WHEREAS the zoning of the property is C4 General Commercial District, and zoning code allows church uses in this zoning district with a special use permit; and

WHEREAS the Board of Zoning Appeals held a properly noticed public hearing on February 15, 2005 regarding petitioners' request for said special use; and

WHEREAS both the Planning Commission for the City of Mattoon, Coles County, Illinois, and the Zoning Board of Appeals for the City of Mattoon, Coles County, Illinois, have recommended that the requested special use permit be granted; and

WHEREAS the City Council for the City of Mattoon, Coles County, Illinois, deems that it would be in the public interest to approve a special use permit for the construction and operation of a church on the premises described in this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. Pursuant to enabling authority provided at Section §159.05 of the Mattoon Code of Ordinances, the property legally described as aforesaid, be and the same is granted a special use permit for the construction and operation of a church.

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Section 4. The City Clerk shall make and file a duly certified copy of this ordinance with the Clerk and Recorder's Office of Coles County, Illinois.

Upon motion by Commissioner Schilling, seconded by Commissioner Donnell, adopted this 1st day of March, 2005, by a roll call vote, as follows:

AYES (Names): Commissioner Donnell, Commissioner Gambill,
 Commissioner Hesse, Commissioner Schilling,
 Mayor Carter

NAYS (Names): None

ABSENT (Names): None

Approved this 1st day of March, 2005.

/s/ David E. Carter

David E. Carter, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

/s/ Susan J. O'Brien

Susan O'Brien, City Clerk

/s/ J. Preston Owen

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on March 2, 2005.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Donnell seconded by Commissioner Schilling moved to adopt Special Ordinance 2005-1068, granting a variance from side yard set back requirements to enable construction of an addition to a single family residential dwelling unit on Lot 3, Block 1, Noyes' Third Addition to the City of Mattoon, a/k/a 909 South 14th Street. (Kurt M. Dearnbarger, Applicant)

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2005-1068

AN ORDINANCE GRANTING A VARIANCE FROM BUILDING SET BACK REQUIREMENTS TO ENABLE CONSTRUCTION OF AN ADDITION TO THE HOUSE AND ATTACHING IT TO THE GARAGE AT 909 SOUTH 14TH STREET

WHEREAS there has been filed a written Petition by Kurt M. Dearnbarger for a variance, respecting the property legally described as:

Lot Three (3) in Block One (1) of Noyes' Third Addition to City of Mattoon, Coles County, Illinois, commonly known as 909 South 14th Street, Mattoon, Illinois.

WHEREAS, said petition requests that a variance be granted pursuant to applicable ordinances of the municipality to allow construction of an addition connecting the house and garage with only a 2-foot setback from the side property line on the South side of the property; and

WHEREAS the zoning code requires a 5-foot side yard setback, of the primary structure, in the R1 Single Family Residence Zoning District; and

WHEREAS the Board of Zoning Appeals held a properly noticed public hearing on February 15, 2005 regarding petitioner's request for said variance; and

WHEREAS both the Planning Commission for the City of Mattoon, Coles County, Illinois, and the Zoning Board of Appeals for the City of Mattoon, Coles County, Illinois, have recommended that the requested variance be granted; and

WHEREAS the City Council for the City of Mattoon, Coles County, Illinois, deems that the recommended variance is in the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. Pursuant to enabling authority provided at Section §159.05 of the Mattoon Code of Ordinances, the property legally described as aforesaid, be and the same is granted a variance of the side yard set back requirement on the South side of the property as requested to enable construction of an addition to the house and attaching it to garage.

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Section 4. The City Clerk shall make and file a duly certified copy of this ordinance with the Clerk and Recorder's Office of Coles County, Illinois.

Upon motion by Commissioner Donnell, seconded by Commissioner Schilling, adopted this 1st day of March, 2005, by a roll call vote, as follows:

AYES (Names): Commissioner Donnell, Commissioner Gambill,
Commissioner Hesse, Commissioner Schilling
Mayor Carter

NAYS (Names): None

ABSENT (Names): None

Approved this 1st day of March, 2005.

/s/ David E. Carter

David E. Carter, Mayor

City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

/s/ Susan J. O'Brien

Susan O'Brien, City Clerk

/s/ J. Preston Owen

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on March 2, 2005.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Hesse seconded by Commissioner Schilling moved to adopt Resolution 2005-2576, appropriating Motor Fuel Tax Funds for the 2005 Street Maintenance Program.

RESOLUTION FOR MAINTENANCE OF
STREETS AND HIGHWAYS BY MUNICIPALITY
UNDER THE ILLINOIS HIGHWAY CODE

RESOLUTION 2005-2576

BE IT RESOLVED, by the Council of the City of Mattoon, Illinois that there is hereby appropriated the sum of \$275,000.00 of Motor Fuel Tax funds for the purpose of maintaining streets and highways under the applicable provisions of the Illinois Highway Code from January 1, 2005 to December 31, 2005.

BE IT FURTHER RESOLVED, that only those streets, highways, and operations as listed and described on the approved Municipal Estimate of Maintenance Costs, including supplemental or revised estimates approved in connection with the resolution, are eligible for maintenance with Motor Fuel Tax funds during the period as specified above.

BE IT FURTHER RESOLVED, that the Clerk shall, as soon as practicable after the close of the period as given above, submit to the Department of Transportation, on forms furnished by said Department, a certified statement showing expenditures from and balances remaining in the account (s) for this period; and

BE IT FURTHER RESOLVED, that the Clerk shall immediately transmit two certified copies of this resolution to the district office of the Department of Transportation, at Paris, Illinois.

I, Susan J. O'Brien Clerk in and for the City of Mattoon,
County of Coles hereby certify the foregoing to be a true,
perfect and complete copy of a resolution adopted by the
Council at a meeting on March 1, 2005.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 2nd day of March, 2005.

(SEAL) /s/Susan J. O'Brien
City Clerk

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill,
YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Hesse seconded by Commissioner Gambill moved to adopt Resolution 2005-2577, appropriating increased Motor Fuel
Tax Funds for the city's share of traffic signal improvements on State Route 16 at the intersections of 6th Street, Logan Street and Lerna Road.

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2005-2577

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN ADDENDUM
AGREEMENT WITH THE ILLINOIS DEPARTMENT OF TRANSPORTATION FOR
THE ADDITION OF NEW STREET LIGHTING TO REPLACE THE EXISTING
LIGHTING AT THE INTERSECTION OF ILLINOIS ROUTE 16 AND LERNA ROAD

WHEREAS, the Illinois Department of Transportation plans to upgrade the existing traffic
signals at the intersection of Illinois Route 16 and Lerna Road; and

WHEREAS, IDOT has notified us that in conjunction with this upgrade new street lights can be
Placed to improve the visibility at the intersection; and

WHEREAS, such improvements will be to the benefit of the citizens of the City of Mattoon.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS,
as follows:

The Mayor is hereby authorized to execute the Addendum Agreement (Exhibit 1) to Agreement Number JN – 504006.

Upon motion by Commissioner Hesse, seconded by Commissioner Gambill, adopted this 1st day of March, 2005, by a roll call vote,
as follows:

AYES (Names): Commissioner Donnell, Commissioner Gambill
Commissioner Hesse, Commissioner Schilling,
Mayor Carter

NAYS (Names) None

ABSENT (Names) None

Approved this 1st day of March, 2005

/s/ David Carter, Mayor
City of Mattoon, Coles County, Illinois

ATTEST

APPROVED AS TO FORM

/s/ Susan J. O'Brien
City Clerk

/s/ J. Preston Owen,
City Attorney

Recorded in the Municipality's Records on March 02, 2005.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Mayor Carter seconded by Commissioner Schilling moved to adopt Resolution 2005-2578, accepting a \$210,000 grant of HOME single family housing rehabilitation funds and authorizing the mayor and city clerk to sign all documents incidental to implementation of the grant program.

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2005-2578

**A RESOLUTION ACCEPTING A \$210,000 GRANT OF HOME SINGLE FAMILY HOUSING REHABILITATION FUNDS
AND AUTHORIZING THE MAYOR AND CITY CLERK TO SIGN ALL DOCUMENTS INCIDENTAL TO IMPLEMENTATION
OF THE GRANT PROGRAM**

WHEREAS, the City of Mattoon (hereinafter "SPONSOR"), applied to the State of Illinois for HOME Single Family Owner Occupied Rehabilitation Program grant funds administered by the Illinois Housing Development Authority (IHDA), and

WHEREAS, it is necessary for the City Council to authorize the Mayor and City Clerk to sign documents as required by the Illinois Housing Development Authority in connection with said HOME funds.

NOW, THEREFORE, BE IT RESOLVED as follows:

RESOLVED that the Grant Agreement and the documents identified in the Grant Agreement, drafts of which have been presented to the City Council of the Sponsor, be, and hereby are, approved.

FURTHER RESOLVED, that the Delegation Agreement by and among the Sponsor and Coles County Regional Planning & Development Commission, and the documents identified therein, drafts of which have been presented to the City Council of the Sponsor, be, and hereby are, approved.

FURTHER RESOLVED, that either the Mayor or City Clerk is hereby authorized and empowered to execute and deliver in the name of or on behalf of the Sponsor the Grant Agreement and any and all amendments, modifications and supplements thereto, and to execute and deliver such additional documents, instruments and certificates as may be necessary or desirable for the Sponsor to perform its obligations under the Grant Agreement.

FURTHER RESOLVED that either the Mayor or City Clerk be and is hereby authorized and directed to take such additional actions, to make further determinations, to pay such costs and to execute and deliver such additional instruments (including any amendments, Grant Agreements or supplements) as he or she deems necessary or appropriate to carry into effect the foregoing resolutions.

FURTHER RESOLVED, that the acts of the Sponsor and the Mayor or City Clerk in negotiating the Grant Agreement, including those acts taken prior to the date hereof, be, and the same hereby are, in all respects, ratified, confirmed and approved.

Upon motion by Mayor Carter, seconded by Commissioner Schilling, adopted this 1st day of March 2005, by a roll call vote, as follows:

AYES (Names): Commissioner Donnell, Commissioner Gambill,
Commissioner Hesse, Commissioner Schilling,
Mayor Carter

NAYS (Names): None

ABSENT (Names): None

Approved this 1st day of March, 2005.

/s/ David E. Carter
David E. Carter, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on March 2, 2005.

(SEAL)

IN WITNESS WHEREOF, this Certificate is executed and delivered as of March 2, 2005.

/s/ Susan J. O'Brien

Printed Name: Susan O'Brien

The undersigned Mayor of the Sponsor certifies that the person named above is the duly appointed City Clerk of the Sponsor and that the signature set forth immediately above is her genuine signature.

IN WITNESS WHEREOF, this Certificate is executed and delivered as of March 2, 2005.

/s/David E. Carter

Printed Name: David E. Carter

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Mayor Carter seconded by Commissioner Schilling moved to approve Council Decision Request 2005-409, approving appointments of Allen Cobble, Neil Sanders, Brodie House, Brandon Stretch, Bill Davis, Billy Manning, Minor Dishon and Ron Scheurich to temporary seasonal employment in the Parks, Lake and Cemetery Divisions of the Public Works Department.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Hesse seconded by Commissioner Gambill moved to approve Council Decision Request 2005-410, approving the appointment of Vickie Baker, Steven Ritter, Nancy A Wright, Billie D. Groniger (Nee-Massey), Evelyn M. Wilson and Raymond Wines, Jr. to the Tree Commission.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Gambill seconded by Commissioner Donnell moved to approve Council Decision Request 2005-411, approving the assignment of Lake Paradise Lease No. L7601 from Sam Davis to David Fiala and Jean Davidson.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Gambill seconded by Commissioner Schilling moved to approve Council Decision Request 2005-412, approving the assignment of Lake Paradise Lease No. L7001 from Barbara Bridges to Billy and Sherry Lagle subject to evidence that the septic system is operating properly or has been upgraded according to standards promulgated by the Illinois Private Sewage Disposal Licensing Act.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Schilling seconded by Commissioner Donnell moved to approve Council Decision Request 2005-413, authorizing the city attorney to draft and the mayor to sign a grant agreement that would reimburse Dr. Donald Freesmeier up to \$47,000 from future

TIF Revenues for costs of demolishing the rear portion of a structure and façade improvements for three buildings located at 1510-1514 Broadway Avenue. This grant would become payable when construction is complete and property tax increment revenues are received from the development

Mayor Carter opened the floor for discussion. Commissioner Donnell questioned the language in the CDR, pertaining to the tax increment revenue from the development on the façade. Mayor Carter requested criteria for grants. Council with input from Administrator Underkofler and Attorney Owen discussed the Mid-town TIF revenues and grant projects.

Mayor Carter seconded by Commissioner Schilling moved to table Council Decision Request 2005-413.

Mayor Carter declared the motion to table Council Decision Request 2005-413 carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Donnell seconded by Commissioner Schilling moved to approve Council Decision Request 2005-414, approving grants of Hotel & Motel Tax Funds as recommended by the Tourism Advisory Committee:

- \$6,000 to Mattoon American Legion Post #88 to host the Firecracker Classic Baseball Tournament
- \$3,000 to EIU / National Junior College Athletic Association to host the NJCAA Indoor Track and Field Championship
- \$5,000 to Coles County Airport Authority for the July 2005 Air Show
- \$6,000 to the Mattoon Beach Multi-Sport Association for acquisition of equipment to host duathlon and triathlon type events over the summer season. The Lake Division of the Public Works Department would have ownership and custody of this equipment.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Hesse led the discussion regarding the restricted funding to the Police Department through Omega reimbursements. Commissioner Hesse stated the Police Department should receive \$84,000 to \$85,000 in the near future with a potential of over \$1,000,000, explained the funds could not be used to supplement the budget and could only be used in the police department, and desired to take the control over the funds away from the Council, have an internal committee made up of police department personnel, and use the interest generated by separating the fund in a perpetual function for purchasing items the police department needs. Commissioner Hesse's plan was for the Treasurer to have authority over the fund with no Council implementation. Council with input from Attorney/Treasurer Owen and City Administrator Underkofler discussed Commissioner Hesse's proposal. Mayor Carter requested Attorney/Treasurer Owen to contact the Illinois Municipal League for statutes governing special funds.

Mayor Carter opened the floor for public discussion. No public discussion occurred.

Mayor Carter seconded by Commissioner Gambill moved to recess to closed session at 7:28 p.m., pursuant to the Illinois Open Meetings Act for the purpose of considering the employment, performance or dismissal of employees of the municipality (5 ILCS 120(2)(c)(1), the setting of a price for sale or lease of property owned by the municipality (5 ILCS 120(2)(6), litigation affecting or on behalf of the City of Mattoon (5 ILCS 120/2(c)(11)): report from the City Attorney on matters pertaining to the demolition of the former Gowin Restaurant structure; review performance appraisal reports for management employees: Tim Bragg, Assistant Fire Chief (1/01/05), Rob Newlin, Cemetery Sexton (1/01/05), Richard Underkofler, City Administrator (1/10/05), and David Wortman, Public Works Director (1/15/05).

Reconvene from closed session at 9:02 p.m.

Commissioner Donnell discussed a letter sent to R. R. Donnelley & Sons for the increase in their water rates resulting in R. R. Donnelley & Sons' request for the increase to take effect in the middle of May. Council discussed the agreement with an extension to May 15, 2005. Council's consensus was to make the agreement's effective date on May 15th at the full outside rate.

Commissioner Schilling seconded by Commissioner Gambill moved to adjourn at 9:12 p.m.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

/s/ Susan J. OBrien
City Clerk